

REMARKS

The applicant has carefully considered the official action dated September 5, 2006, and the cited references. In this application, claims 17, 22-27, and 55-58 are pending and at issue, of which claim 17 is independent. In the official action, claims 17, 22-27 and 55-58 were rejected under 35 U.S.C. § 102(b) as anticipated by Dotta. By way of this response, the applicant respectfully traverses the rejections and respectfully submits that all pending claims are in condition for allowance. Favorable reconsideration is respectfully requested.

The applicant respectfully submits that independent claim 17 is allowable over the art of record. Independent claim 17 is directed to a rotary press apparatus that includes, *inter alia*, a first ram and a second ram, a first cutting tool member coupled to the first ram, and a second cutting tool member coupled to the second ram, wherein the first and second cutting tool members comprise a cut-off blade and ram set. The applicant maintains his position that the art of record fails to teach or suggest first and second cutting tool members comprising a cut-off blade and ram set as recited in claim 17. Dotta teaches an upper die (1) having female tools or matrixes (3) and a lower die (2) having male tools or punches (4). However, Dotta does not teach that the upper and lower dies (1) and (2) have or can have a cut-off blade and ram set. Therefore, Dotta cannot anticipate independent claim 17 because Dotta does not teach each and every element recited in independent claim 17.

The examiner suggests that the matrixes (3) and punches (4) are capable of shearing off the ends of thin strips of material due to their widths, and that the cut-off blade and ram set recited in claim 17 are broad and can be used to describe the matrixes(3) and the punches (4). *See Final Office action dated August 5, 2006, pp. 2 and 3, ¶ 3.* Although the applicant agrees that “cut-off blade” and “ram” are relatively broad terms, the applicant respectfully

submits that the meaning of cut-off blade and ram cannot be construed so broadly as to encompass the matrixes (3) and punches (4) of Dotta. On the contrary, the examiner has adopted an improper and unfairly broad meaning for the term cut-off blade and ram. Namely, the examiner believes that the cut-off blade and ram encompass a punch and die. Further, the examiner's overly broad definition of the cut-off blade and ram contradicts the plain meaning that would be given the terms by one of ordinary skill in the art in light of the applicant's specification. During examination, a claim term should be given the broadest reasonable interpretation that is consistent with the applicant's specification and "should be read in light of the [applicant's] specification as it would be interpreted by one of ordinary skill in the art." *In Re Cortright*, 165 F.3d 1353, 1358 (Fed. Cir. 1999) (quoting *In re Bond*, 910 F.2d 831, 833 (Fed. Cir. 1990)). The *Cortright* court rejected the interpretation given to a claim term by the examiner and the Board of Patent Appeals and Interferences ("the Board") for being so broad that it was inconsistent with the *Cortright* specification and overextended the interpretation that it would be given by one of ordinary skill in the art in light of the *Cortright* specification. *Id.*, at 1359.

The applicant's specification describes a cut-off blade and ram set as being distinctly separate from a punch and die set. *See Applicant's written description*, ¶'s 41 and 42. For example, the applicant describes in the instant application an example embodiment in which a cutting tool member (206) is a punch and a cutting tool member (208) is a complimentary die. *See Id.*, ¶ 41. In addition, the applicant describes another example embodiment in which the cutting tool member (206) is a cut-off blade and the cutting tool member (208) is a cut-off ram. *See Id.*, ¶ 42. In this case, the examiner has impermissibly ignored the applicant's specification and, thus, has improperly divorced his interpretation of cut-off blade and ram set from the context of the applicant's invention.

Further, the examiner has misconstrued the Dotta reference titled, “Punching Device,” to be capable of performing operations other than punching. Specifically, the examiner suggests that the Dotta punching device is capable of shearing, but has improperly supported this suggestion by mere opinion on what the Dotta matrixes (3) and punches (4) are capable of doing (due to their alleged widths) without pointing out where Dotta makes such a teaching or suggestion. If the examiner elects to maintain his position that the Dotta punching device is capable of shearing, the applicant respectfully requests that at least some evidence supporting this position be provided.

Therefore, in addition to impermissibly ignoring the applicant’s specification as well as what one of ordinary skill in the art would know, the examiner has improperly misconstrued the Dotta reference to arrive at the elements recited in claim 17. Contrary to the examiner’s suggestion, the applicant respectfully submits that Dotta does not teach or suggest a first ram and a second ram, a first cutting tool member coupled to the first ram, and a second cutting tool member coupled to the second ram, wherein the first and second cutting tool members comprise a cut-off blade and ram set. Accordingly, the applicant respectfully submits that independent claim 17 and all claims dependent thereon are in condition for allowance.

In view of the foregoing, the applicant respectfully requests an early favorable action on the merits. If there are any remaining matters that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,

Dated: November 6, 2006

____/Mark G. Hanley/_____

Hanley, Flight & Zimmerman, LLC
(at customer number **34431**)
20 North Wacker Drive
Suite 4220
Chicago, Illinois 60606
312.580.1020

Mark G. Hanley
Reg. No. 44,736
Attorney for Applicant